

CHAPTER 3

ORDINANCE ADMINISTRATION

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PART I: ADMINISTRATIVE BODIES

3.1 VILLAGE BOARD OF TRUSTEES

A. Establishment

The Village of Barrington has previously established the Village Board of Trustees.

B. Powers and Duties

In addition to those powers and duties previously established, the Village Board of Trustees shall have the following powers and duties:

- 1. To make final decisions on applications for amendments to the text of the Zoning Ordinance and/or to the Official Zoning Map, which is part thereof.
- 2. To make final decisions on applications for Architectural Review Certificates of Approval.

3. To make final decisions on applications for Special Uses.
4. To make final decisions on applications for Variations.
5. To make final decisions on applications for Planned Developments. (See Chapter 11, Planned Developments)
6. To make final decisions on recommendations for the boundaries of an Historic Preservation Overlay District.
7. To make final decisions on recommendations regarding National Register nominations.

3.2 PLAN COMMISSION

A. Establishment

The Village of Barrington has previously established the Plan Commission.

B. Powers and Duties

In addition to those powers and duties previously established, the Plan Commission shall have the following powers and duties:

1. To hear and make recommendations to the Village Board of Trustees on applications for zoning amendments (text and map).
2. To hear and make recommendations to the Village Board of Trustees on applications for Planned Developments.
3. To make hear and make recommendations to the Village Board of Trustees on the boundaries of an Historic Preservation Overlay District.
4. To conduct and maintain an ongoing survey to identify historically, culturally and architecturally significant properties and structures within the traditional center of the Village for inclusion within an Historic Preservation Overlay District.
5. To assist in the development, review or amendment of the preservation component of the Comprehensive Plan of the Village.
6. To prepare an annual report of its activities to the Village Board of Trustees.
7. To carry out any responsibilities delegated to the Commission by the Village Board of Trustees.

C. Ex-Officio Member

In addition to the members previously established, a member of the Architectural Review Commission shall be appointed by the Village President as an ex-officio member of the Plan Commission to serve as a liaison between the Plan Commission and the Architectural Review Commission. The ex-officio member shall not be counted for purposes of a quorum of the Plan Commission and shall not have the right to vote on any matter.

3.3 ZONING BOARD OF APPEALS

A. Establishment

The Village of Barrington has previously established the Zoning Board of Appeals.

B. Powers and Duties

In addition to those powers and duties previously established, the Zoning Board of Appeals shall have the following powers and duties:

1. To hear and render final decisions on all appeals of administrative decisions and interpretations made by the Zoning Official, unless such authority is specifically designated under the powers and duties of another body.
2. To hear and make recommendations to the Village Board of Trustees on applications for Special Uses.
3. To hear and make recommendations to the Village Board of Trustees on applications for Variations.
4. To prepare an annual report of its activities to the Village Board of Trustees.

3.4 ARCHITECTURAL REVIEW COMMISSION

A. Establishment

The Village of Barrington hereby establishes the Architectural Review Commission.

B. Powers and Duties

The Architectural Review Commission shall have the following powers and duties:

1. To consult and cooperate with other commissions, Village departments and any other governmental bodies on matters affecting the appearance of the Village.
2. To study exterior design drawings, signs, lighting, landscape and site plans, and materials for any proposed public works or public improvements (except for replacement or substitution of existing public landscaping and road reconstruction) and to make recommendations to the Village Board of Trustees regarding architectural or aesthetic aspects.
3. To review and grant or deny all applications for Architectural Review Certificates of Approval.
4. To make recommendations to the Village Board of Trustees, annually, regarding amendments to the Design Standards within the various District Regulations of this Ordinance after a public meeting thereon.
5. To call upon available Village staff, as well as other experts for technical assistance.
6. To testify or provide written findings to all boards and commissions, including the Plan Commission and Zoning Board of Appeals, on any matter affecting historically, culturally or architecturally, significant properties or structures within any Historic Preservation Overlay District, designated building or site or that is the subject of an appeal from a Architectural Review Commission decision to the Village Board or its duly authorized designee.
7. To advise and assist owners of properties and structures within an Historic Preservation Overlay District on technical aspects of preservation, renovation, rehabilitation and reuse.
8. To review and grant or deny applications for Certificates of Appropriateness for proposed alterations, constructions, demolitions or relocations of structures within any Historic Preservation Overlay District designated building or site.

9. To review and grant or deny applications for Certificates of Economic Hardship where demolition of a contributing structure within an Historic Preservation Overlay District is proposed by the applicant as the only recourse.
10. To hear and decide appeals of administrative decisions made by the Zoning Official on applications for Certificate of Appropriateness within a Historic Preservation Overlay District.
11. To allow the modification of historic buildings or structures within a Historic District provided that the modifications substantially conform to the architectural styles identified within the "Comprehensive Historic Building Survey", prepared for the Barrington Area Historical Society, or any subsequent Historic Building Surveys conducted for any Historic Preservation Overlay District.

C. Membership, Terms and Organization

1. Membership. The Architectural Review Commission shall consist of seven (7) members who shall reside in the Village of Barrington and who shall be appointed by the Village President, with the advice and consent of the Board of Trustees. The Commission shall be composed of: the following members who have demonstrated interest, knowledge, ability, experience or expertise in historic preservation, architectural restoration, rehabilitation, or neighborhood conservation or revitalization. The suggested composition is as follows:
 - a. Two (2) members, each of whom are in one (1) of the following professions: architecture, landscape architecture, urban planning, interior design or similar design profession.
 - b. Two (2) members, each of whom have demonstrated interest, knowledge, ability, experience or expertise in historic preservation, architectural restoration, rehabilitation, or neighborhood conservation or revitalization.
 - c. Three (3) members, one (1) of whom shall be appointed as Chairperson by the Village President, who may or may not have professional or demonstrated expertise in the above described fields of knowledge.

In addition to the seven (7) members referred to above, a member of the Plan Commission shall be appointed as an ex-officio member of the Architectural Review Commission, by the Village President, to serve as a liaison between the Architectural Review Commission and the Plan Commission. One member of the Planning, Zoning & Economic Development Committee, appointed as an ex-officio member of the Architectural Review Commission, by the Village President, to serve as a liaison between the Architectural Review Commission and the Village Board of Trustees.

2. Terms. All members of the Architectural Review Commission, including the ex-officio members, shall be appointed for a three (3) year term expiring on December 31st, or until a successor has been appointed, except that initially, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms and three members shall be appointed for three-year terms.
3. Vacancies. Vacancies on the Architectural Review Commission shall be filled for the un-expired term of the member whose seat is vacant by appointment of the Village President, with the advice and consent of the Board of Trustees.

4. Officers. The Village President, with the advice and consent of the Board of Trustees, shall appoint one (1) member of the Architectural Review Commission to serve as Chairman and one (1) member to serve as Vice-Chairman for three (3) years. The Zoning Official, or his designee, shall serve as the recording secretary to the Architectural Review Commission, but shall not be a member thereof. If necessary, the Chairman may designate a court reporter to serve as the recording secretary for a specific meeting.

D. Meetings and Procedures

1. All meetings of the Architectural Review Commission shall be held at the call of the Zoning Official, who shall inform the Commission of pending applications for Certificates of Appearance, Certificates of Appropriateness within an Historic District, Certificates of Economic Hardship within an Historic District, or other applications for properties or structures within the Historic Preservation Overlay District.
2. The Chairman shall preside at all meetings of the Architectural Review Commission. In the absence of the Chairman, the Vice-Chairman shall assume the duties of Chairman.
3. All meetings shall be open to the public.
4. The Architectural Review Commission shall adopt Roberts Rules of Order as its rules of procedure, not inconsistent with this Ordinance or other ordinances of the Village of Barrington.
5. The recording secretary shall keep minutes of its proceedings and other official action.
6. Public hearings shall be conducted as specified in this Chapter.

E. Quorum and Vote Required

1. Four (4) members, not to include the ex-officio member, of the Architectural Review Commission shall constitute a quorum to conduct business.
2. A majority decision of members present, with the exception of the ex-officio member, at a duly constituted meeting shall be required for all Architectural Review Commission actions. The ex-officio member shall not have the right to vote on any matter.

3.5 DEVELOPMENT SERVICES DEPARTMENT

A. Establishment

The Village of Barrington has previously established the Development Services Department.

B. Powers and Duties

In addition to those powers and duties previously listed, the Development Services Department shall have the following powers and duties:

1. To provide technical assistance to the Architectural Review Commission, Plan Commission, Zoning Board of Appeals or other administrative bodies with authority under this Zoning Ordinance.

2. To propose new or revised zoning regulations, as may be required from time to time, based on changes in state law, case law and/or technical performance standards.
3. To perform such other duties as may be required by the Village Manager or by the Village Board, including providing assistance and advice as may be required by various commissions, committees, and agencies of the Village.

3.6 ZONING OFFICIAL

A. Establishment

The Village of Barrington has previously established the position of Zoning Official.

B. Powers and Duties

The Zoning Official shall have the following powers and duties:

1. To maintain the official zoning map as required by state law.
2. To review and grant or deny applications for occupancy certificates, site plan review, and site development permits.
3. To enforce the provisions of this Ordinance, and to issue notices of violations and penalties.

PART II: ADMINISTRATIVE PROCEDURES

3.7 APPLICATIONS AND HEARINGS

A. Applications

All applications for approval of an administrative procedure established under Part 2 of this Chapter shall be filed in conformance with the regulations set forth below.

1. Receipt of Application. Applications shall be filed with the Zoning Official or his designee.
2. Form, Number and Scale. Applications shall be on forms provided by the Zoning Official and shall be filed in such number according to instructions provided. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of its contents and of the proposal being made and shall be folded to a size of 8-1/2 inches by 11 inches.
3. Minimum Requirements. Every application submitted pursuant to this Ordinance shall contain such minimum data and information as listed in the Appendices to this ordinance.
4. Filing Deadlines.
 - a. An application requiring a public hearing will not be scheduled for such hearing unless filed in a complete manner, at least thirty (30) days and no more than ninety (90) days prior to the requested public hearing date. An

application so filed will be scheduled for the requested date, or the 1st available date thereafter, on a "1st filed-1st scheduled" basis. All public hearings to consider applications filed pursuant to this Ordinance shall, unless otherwise provided by order of the relevant body, be scheduled at the same time as the regular meetings of such body.

- b. An application that does not require a public hearing also shall be filed with the Zoning Official in a complete manner. An application so filed will be processed by the Zoning Official on a "1st filed- 1st processed" basis.
- c. Whenever supplemental data in connection with a previously filed application is required by the Village or offered by the applicant, it shall be submitted at least fifteen (15) days prior to the date on which it is to be considered or acted upon in connection with such application. The filing of such data shall, in the discretion of the Zoning Official and of the body hearing the application, be cause to delay a requested or scheduled hearing or decision date.

- 5. Fees. Every application filed pursuant to the provisions of this ordinance shall be subject to an application and filing fee as established and modified from time to time, by the Village Board of Trustees. The owner of the property subject to the application and, if different, the applicant, shall be jointly and severally liable for the payment of the fee. The failure to pay any such fee when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or issued with respect to the land or development to which the unpaid fee or required deposit relates and shall constitute a violation of this Ordinance under the provisions of Section 3.20 (Violations and Penalties). A current fee schedule may be found in Appendix N (Fee Schedule).
- 6. Special Requests. In addition to the minimum data and information required by Subparagraph 3.7(A)(3) above, every applicant shall submit such other additional data, information, or documentation as the Zoning Official or any body before which its application is pending may deem necessary or appropriate to achieve a full and proper consideration and disposition of the particular application.
- 7. Waiver of Application Requirements. Notwithstanding any other provision of this Subsection 3.7(A), the Zoning Official shall have the authority to waive any requirement set forth in Subparagraphs 3.7(A)-(1), -(2), or -(3), above when, in his reasonable judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to Subparagraph 3.7(A)(6) and to delay processing of such application until such information is provided and available in accordance with the deadlines established in Subparagraph 3.7(A)(4).
- 8. Application Not Pursued Subject To Dismissal. Any application not diligently pursued by the applicant for a period of ninety (90) days shall be subject to dismissal. In such cases, the Zoning Official shall notify the applicant, by certified mail, of the Village's intent to dismiss the application for lack of diligent pursuit. Within ten (10) days of such notification, the applicant shall notify the Zoning Official of his or her intent to pursue the application, propose a schedule for completion of submission requirements, and request an extension of

time. Failure to provide such notification, schedule and request shall be grounds for dismissal of the application. If the applicant proposes a schedule for completion of submission requirements and requests an extension of time, the proposal and request shall be considered at the next available scheduled meeting of the board or commission hearing the petition. At the meeting, the board or commission may approve, modify or deny the proposed schedule and request for extension of time.

B. Successive Applications

1. Second Applications Without New Grounds Barred. Whenever any application filed pursuant to this Ordinance has been denied on its merits, a second application seeking essentially the same relief cannot be filed within one (1) year of the date of denial. This restriction shall apply whether or not such second petition is in the same form or of the same theory as the original petition. A second petition may, at the discretion of the Zoning Official, be heard if there is substantial new evidence available or a mistake of law or fact that significantly affected the prior denial.
2. New Grounds to be Stated. Any such second application shall include a detailed statement of the grounds justifying its consideration.
3. Summary Denial With or Without Hearing. Any such second application may be denied by the Zoning Official summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

C. Notice for Public Hearing

1. Notice of Public Hearing in Newspaper. For any administrative review procedure established in Part 2 of this Chapter requiring a public hearing, the Village shall arrange for the publication of a public notice in a newspaper of general circulation in the Barrington jurisdictional area. The notice shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, the address or particular location of the subject property and, in the case of a public hearing for an Amendment, a legal description of the subject property. The notice shall run at least one (1) time, not more than thirty (30) days, nor less than fifteen (15), days prior to the public hearing.
2. Notice of Public Hearing Through Posted Sign. Except with respect to proposed amendments to the text of this Village of Barrington Zoning Ordinance, in addition to the newspaper notice provision required above, not more than thirty (30) days, nor less than fifteen (15), days prior to any public hearing the applicant and/or property owner shall cause to be posted on the property affected a notice sign, provided by the Village, stating that a public hearing will be held and including the appropriate Village personnel to contact for additional information. The sign which is to be posted by the applicant and/or the property owner shall be returned to the Village within 48 hours after a final decision has been rendered by the appropriate Village board or commission. Building permits may not be issued until the public hearing sign is returned.

3. Notice of Public Hearing By Certified Mail. In addition to the newspaper notice and posted sign notice provisions required above, not more than thirty (30) days, nor less than fifteen (15) days, prior to any public hearing before the Plan Commission or Zoning Board of Appeals for a Special Use, Variation or Planned Development (preliminary or final), the applicant shall provide written notice of such hearing, by certified mail, to all property owners within two hundred and fifty (250) feet of the subject property. Such notice shall include the date, time and place of the hearing, a description of the matter to be heard, and the address or particular location of the subject property. The applicant shall provide proof of certified mail notice to the Zoning Official at, or prior to, the public hearing.

D. Review and Hearing

1. Staff Review. The Zoning Official shall refer every application for which this ordinance requires a public hearing to all appropriate Village commissions and departments.
2. Public Hearing. All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Ordinance pertaining to, and the rules promulgated by, the body or official conducting the hearing.
3. Examination and Copying of Application and Other Documents. At any time following the giving of notice as required in Subsection 3.7(C), and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Freedom of Information Act, all other documents on file pertaining to the application. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Zoning Official to cover the cost of such copies.
4. Time for Hearing. In any administrative procedure regulated by this ordinance, where a time limit is established for a public hearing, consideration of a matter, action or final decision by an administrative body as defined in Chapter 3 Part 1 of this ordinance, such time limit may be extended by mutual agreement between the petitioner and the administrative body.

3.8 CERTIFICATE OF OCCUPANCY

A. Establishment

The Village of Barrington has previously established the process for obtaining a certificate of occupancy.

B. Applicability

A certificate of occupancy shall not be issued until a zoning certificate has been issued to ensure that the use and improvement of the property conforms to all applicable regulations of this Ordinance.

C. Authority

The Zoning Official shall be responsible for processing all applications for certificates of occupancy.

3.9 ZONING CERTIFICATE

A. Establishment and Applicability

Zoning certificates are hereby established to promote compliance with the Zoning Ordinance by allowing the Village to check for compliance upon a change of use, occupancy (non-residential uses) or site improvement. A zoning certificate must be obtained prior to the issuance of:

1. A Certificate of Occupancy;
2. A Building Permit;
3. An Architectural Review Certificate of Approval;
4. An Architectural Review Certificate of Appropriateness; or
5. Establishment of a home occupation.

B. Authority

The Zoning Official shall be responsible for processing all applications for a zoning certificate.

C. Zoning Certificate Submissions

Submission materials required for an application for a zoning certificate shall consist of those stipulated in the Appendices to this Ordinance, and other materials deemed necessary by the Zoning Official.

D. Execution

The Zoning Official shall issue a zoning certificate, in the case of approval, or a letter of denial within thirty (30) working days of the receipt of a complete application.

E. Limitation on Approval

Zoning certificates are issued on the basis of plans and applications submitted and authorize only the use or arrangement set forth in such approved plans and applications. Any contrary use, arrangement, or construction shall be deemed a violation of this Ordinance punishable under the provisions of Section 3.20 (Violations and Penalties).

F. Records of Zoning Certificates

Every zoning certificate issued pursuant to this Section shall be kept on file by the Zoning Official and shall be considered a public record.

3.10 BUILDING PERMIT

A. Establishment

The Village of Barrington has previously established the process for obtaining a building permit.

B. Applicability

A building permit shall not be issued until the following permits and certificates have been issued:

1. Zoning certificate;
2. Site plan review permit, where applicable;
3. Architectural Review Certificate of Approval, where applicable; or
4. Architectural Review Certificate of Appropriateness, where applicable.

C. Execution

The Zoning Official shall be responsible for determining compliance with the above requirements.

3.11 SITE DEVELOPMENT PERMIT

A. Establishment

The Village of Barrington has previously established the process for obtaining a site development permit.

B. Applicability

In addition to the activities for which the Village of Barrington has previously established the requirement for a site development permit, a site development permit shall also be required before any of the following site construction activity is performed:

1. Demolition of buildings or free-standing walls or fences, except when such buildings, walls or fences are located on Village-owned property, or except when such demolition has been initiated by the Village pursuant to 65 ILCS 5/11-31-1, et seq.
2. The cutting of trees twelve (12) inches in caliper or greater, except when such cutting of trees is being performed by the Village or a contractor for the Village on Village property or when such cutting has been authorized by the Village Manager, or his or her designee, in accordance with the provisions of the Barrington Village Code.

C. Authority and Execution

The Zoning Official shall process all applications within thirty (30) working days of the receipt of a complete application.

3.12 SITE PLAN REVIEW

A. Establishment and Purpose

The site plan review process is hereby established to promote orderly development and redevelopment in the Village and to ensure that such development or redevelopment is done in a manner harmonious with surrounding properties, is consistent with the policies in the Comprehensive Plan, and promotes the general welfare of the Village. This Section provides standards by which to determine and control the physical layout and/or use of a lot or parcel of land in order to achieve the following purposes:

1. Compatibility of land uses, buildings, and structures.
2. Protection and enhancement of community property values.
3. Efficient use of land.
4. Minimization of traffic, safety hazards, and over-crowding problems.
5. Minimization of environmental problems.

B. Applicability and Authority

Site plan review approval shall be required as a condition of obtaining a building permit, except for the construction of single-family detached dwellings on existing lots of record. This requirement shall be waived where proposed development is subject to Special Use or Planned Development approval. Applications for site plan review shall be submitted to and reviewed by the Zoning Official, who may seek advice from other Village staff, boards or commissions.

C. Site Plan Review Submissions

Submission materials required for site plan review shall consist of those stipulated in Appendix B (Submission Requirements for Site Plans), and other materials deemed necessary by the Zoning Official.

D. Application

In reviewing site plan review applications, the Zoning Official shall base approval or denial on the following characteristics:

1. The arrangement of the structures on the site to:
 - a. Allow for the effective use of the proposed development.
 - b. Allow for the efficient use of the land.
 - c. Ensure compatibility with development on adjacent property.
 - d. Respond to off-site utilities and service conditions, and thereby minimize the demand for additional municipal services, utilities and infrastructure.
2. The arrangement of open space and landscape improvements on the site to:
 - a. Create a desirable and functional environment for patrons, pedestrians and occupants.
 - b. Preserve unique natural resources where possible.
 - c. Avoid impacting desirable natural resources on adjacent sites.
3. The organization of circulation systems to:
 - a. Provide adequate and safe access to the site.
 - b. Minimize potentially dangerous traffic movements.
 - c. Separate pedestrian and auto circulation wherever practical.
 - d. Minimize curb cuts.
4. The design of off-street parking lots or garages to:
 - a. Minimize adverse visual impacts on adjacent properties.
 - b. Promote logical and safe parking and internal circulation.

5. The design of landscape improvements and related features to:
 - a. Create a logical transition to adjoining lots and developments.
 - b. Screen incompatible uses.
 - c. Minimize the visual impact of the development on adjacent sites and roadways.
 - d. Utilize plant materials suitable to withstand the climatic conditions of the Village and the microclimate of the specific site.
 - e. Promote and maintain Village standards for visual appearance and development quality.
6. Site illumination in terms of its design, location and proposed installation in a manner that will minimize adverse impacts to adjacent properties.
7. Conformance of the proposed development to the requirements of this Ordinance and other applicable codes and ordinances.
8. The relationship of the site plan to adopted land use policies and the goals and objectives of the Comprehensive Plan.

E. Execution

The Zoning Official shall issue a site plan review permit, in the case of approval, or a letter of denial within thirty (30) working days of the receipt of a complete application.

3.13 ARCHITECTURAL REVIEW CERTIFICATE OF APPROVAL

A. Purpose

The intent of the Architectural Review Certificate of Approval is to promote the maintenance of Village standards concerning the appearance of new development. The visual character of the Village of Barrington is an important resource that is valued by community residents and helps protect the taxable value of property. The requirements of this Section are intended to provide a vehicle for ensuring compliance with the minimum standards for appearance established within this Ordinance.

B. Applicability

An Architectural Review Certificate of Approval shall be required prior to the issuance of a building permit for all new exterior construction activity for which a building permit or site development permit is required, except for the construction of single-family dwellings.

C. Authority

1. The Architectural Review Commission shall recommend to the Village Board of Trustees approval or denial of all applications for Architectural Review Certificate of Approval. The Village Board of Trustees shall make final decisions. Applications shall be filed with the Zoning Official, who shall distribute application materials to commission members and call a meeting of the commission. The Zoning Official shall confer with the Chairman of the

Architectural Review Commission regarding the completeness of the application and notify the applicant of any additional materials required.

2. Issuance of Certificate of Approval by Administrative Decision. Certificates of Approval for the following types of architectural styles, construction or demolition may be approved administratively by the Zoning Official, or his or her designee, subject to the following regulations.
 - a. Types of Construction allowed which may be approved by administrative decision.
 - 1) Minor alteration of, or addition to, a structure or site.
 - 2) Demolition of a principal and/or accessory structure.
 - b. The Zoning Official shall be obligated to issue a Certificate of Approval for any proposed modification, provided that the modification is in substantial conformance with the architectural style of the structure or building to which the modification is to be made.
 - c. Submission of Application. An application for a Certificate of Approval shall be made to the Zoning Official. The Zoning Official shall make a determination of completeness pursuant to Chapter 3, Part II, Section 3.7 et. seq. of this Ordinance, and shall forward the application for review and decision.
 - d. Materials Submitted with Application. The application shall include photographs, construction drawings, scaled elevations and other documentation, such as an architectural or massing model, window frame sections and samples, deemed necessary to consider the application properly and completely. Each applicant shall also provide a to-scale streetscape or model, which includes elevations for each abutting structure.
 - e. Standards for Approval. The application shall be reviewed according to the standards set forth in Subsections (D) below.
 - f. Making Official Decision. On the basis of written findings of fact, the Zoning Official, or his or her designee, shall either approve, conditionally approve, or deny the application for a Certificate of Approval based on the applicable standards in Subsections D. Such decision shall be executed within thirty (30) days following receipt of a completed application. If the Zoning Official approves the application, a Certificate of Approval shall be issued. If the Zoning Official decides to approve the application with modifications, a letter shall be sent to the applicant outlining the specific modifications required for approval. Such application shall then be resubmitted for approval. If the Zoning Official decides to deny the application, a letter of denial shall be issued.
 - g. Referral to Architectural Review Commission. The Zoning Official may refer any application to the Architectural Review Commission due to the complexity of the application, the significance of proposed change to a contributing structure, or the need for consultation for expertise regarding architectural, construction or preservation issues.
 - h. Appeal of Administrative Decision. An application denied by the Zoning Official may be appealed to the Architectural Review Commission within thirty (30) days following the administrative decision. Once an appeal of an administrative decision has been filed, the procedure shall be as outlined in Section (3.18).

D. Appearance Standards

Decisions by the Architectural Review Commission shall be based on the Design Standards contained within the district regulations of this Ordinance, and on the standards and guidelines contained in the Appearance Code. (See Appendix H)

E. Pre-Application Conference

Any applicant or prospective applicant seeking an Architectural Review Certificate of Approval shall meet with the Zoning Official, or his designee, prior to submitting an application. At the pre-application conference, staff representatives shall review with the applicant those criteria established in this Ordinance. The applicant shall be given general direction to assist in the development of a plan which would be consistent with the requirements and purpose of this Ordinance.

F. Preliminary Committee of the Whole Review

Upon completion of the pre-application conference, the Zoning Official may, in his or her discretion, require preliminary presentation of the proposed development at a meeting of the Committee of the Whole of the Village Board. At the meeting, the Committee of the Whole shall review conceptual drawings, sketches and other information concerning the proposed development, depicting buildings, structures, public and private improvements, and landscaping of the proposed development. The Committee of the Whole may provide such advice, counsel and suggestions and recommendations as it may deem necessary to guide the applicant in the preparation of plans which would comply with the requirements and purposes of this Ordinance and the general policies of the Village. It shall be understood that the Committee of the Whole shall act in an advisory capacity only, and shall not participate in the development of the basic concept, plans or drawings.

G. Preliminary Architectural Review Commission Consideration

Any applicant or prospective applicant seeking an Architectural Review Certificate of Approval shall have concept sketches and drawings reviewed under preliminary consideration by the Architectural Review Commission. Such preliminary consideration shall be provided at a meeting of the Architectural Review Commission. At the meeting, the Architectural Review Commission shall review preliminary exterior drawings, sketches, landscape and site plans, and materials for the proposed project before a formal application is filed. The commission shall provide such advice, counsel, suggestions and recommendations as it may deem necessary to guide the applicant in the preparation of plans which would comply with the requirements and purposes of this Ordinance. In the event of a Special Use or Planned Development, the Architectural Review Commission shall transmit its recommendations to the Zoning Board of Appeals or Plan Commission. It shall be understood that the Architectural Review Commission shall act in an advisory capacity only, with regard to preliminary plans, and shall provide consultation only on projects for which preliminary drawings and materials are furnished by said prospective applicant, and shall not participate in the development of the basic concept, plans or drawings. The Zoning Official may waive the requirement for preliminary consideration if, in his or her opinion, such consideration is not necessary, due to the nature of the work being proposed.

H. Action of Architectural Review Commission

At the meeting of the Architectural Review Commission, the commission shall discuss the application and its conformance to the requirements of this Ordinance. The commission shall also hear testimony from the applicant, adjacent property owners and the public. All testimony given at such meeting shall be under oath. Upon hearing all testimony, the commission shall make specific findings for each applicable provision of the Design Standards in the district regulations as well as the standards and guidelines within the Appearance Code. In making its decision, the commission may recommend the: a) denial; b) granting; or c) granting with modifications or conditions, of the application for Architectural Review Certificate of Approval. In the event of a Special Use or Planned Development, the Architectural Review Commission shall also transmit its recommendations to the Zoning Board of Appeals or Plan Commission, and at the conclusion of the Zoning Board of Appeals or Plan Commission public hearings, shall transmit its findings to the Village Board of Trustees.

I. Failure of Architectural Review Commission to Act

Should the Architectural Review Commission fail to act on a complete application within thirty (30) days after its filing or at the next available regularly scheduled meeting thereafter, the applicant may petition directly to the Village President and Board of Trustees for approval. Such petition shall be made in writing and shall be filed with the Zoning Official within thirty (30) days after this thirty (30) day period. The Board of Trustees shall then consider and decide on the applicant's request within thirty (30) days of a completed petition being filed with the Zoning Official. Failure of the Board of Trustees to decide on the applicant's request within such thirty (30) days shall be deemed a disapproval of the application.

J. Approval by the Village Board of Trustees

The Village Board of Trustees shall review the minutes of the Architectural Review Commission meeting, which shall be filed with the Village Board of Trustees no more than thirty (30) days after the Architectural Review Commission meeting. However, in the event of a Special Use or Planned Development, the minutes of the Architectural Review Commission shall be filed at the conclusion of the Zoning Board of Appeals or Plan Commission Public Hearing. The Board of Trustees shall, within thirty (30) days after receipt of the Architectural Review Commission's recommendation, or at the next available regularly scheduled meeting after receipt by the Board of Trustees of the Architectural Review Commission's recommendation, whichever is later, make a final decision on the petition. For petitions made directly to the Village Board of Trustees due to inaction by the Architectural Review Commission, the Village Board shall make a final decision on said petition within forty-five (45) days of the filing of the petition. Failure of the Board of Trustees to act within the time limits established above shall be considered and deemed disapproved disapproval of the petition.

K. Emergency Measures

The Architectural Review process is not required when, in the opinion of the Zoning Official, there is an actual or immediate danger of collapse or failure of a building or structure, or any part thereof, which would endanger life or physically damage adjoining property. The Zoning Official may also waive the Architectural Review process when, in his or her opinion, the proposed work is of such limited scope and in sufficient conformance with the applicable zoning district design guidelines so as not to require review.

L. Amendments

Amendments to an Architectural Review Certificate of Approval require an application and approval as if for a new application. The Zoning Official may waive such requirement when, in his or her opinion, the proposed amendment is of such limited scope and in sufficient conformance with the Certificate of Approval, so as not to require a new application.

M. Enforcement

The Zoning Official shall be responsible for inspecting construction activity to determine that no substantial deviations from the approved plans have occurred.

1. It shall be the duty of the applicant, or his successors and assigns, to comply with the requirements of the Architectural Review Certificate of Approval and to obtain such inspections as may be necessary in order to assure compliance with such certificate. The Zoning Official shall notify the applicant of any violations. If the said violations are not corrected within ten (10) days, the Zoning Official may issue a stop work order and such work shall be immediately stopped until the violation is corrected. Any such stop work order shall be given orally, then confirmed in writing and sent to the applicant for the building permit. Any work done after the issuance of a stop work order shall be deemed a violation of this Ordinance and subject to the penalties established herein.
2. Before any use may be made of improvements constructed under the provisions of the Appearance Code, a final inspection of the premises must be obtained from the Zoning Official, or his designee, and a certificate of occupancy for those buildings or structures requiring certificates of occupancy shall not be issued unless such an inspection had been made and completed and the work found to be in substantial compliance with plans approved by the Architectural Review Commission and under which the certificate was issued, except as provided in Subsection 3.13(L) of this Section.
3. If it should become impossible to complete all work required before occupancy due to extraordinary weather, labor strike or any other circumstance beyond control of the certificate holder, the Zoning Official may, but shall not be obligated to, temporarily approve such use and/or occupancy with a written agreement by the applicant to guarantee completion of the work still required by the certificate as soon as the circumstances causing such impossibility have been abated, as long as there are no life safety concerns.
4. In the event the person, firm or corporation to whom the Architectural Review Certificate of Approval has been granted fails to complete the above-stated work, a final certificate of occupancy shall not be issued for those structures, which require certificates of occupancy.

N. Limitations on Certificates of Approval

1. An Architectural Review Certificate of Approval shall automatically become null and void unless a building permit is issued and construction is actually begun within in one (1) year of issuance and is thereafter diligently pursued to completion. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.

2. An Architectural Review Certificate of Approval applies only to the property represented in the application and is not transferable to other properties.

O. Effect of Approval

The approval of an Architectural Review Certificate of Approval by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Village including, but not limited to, a zoning certificate and a building permit.

3.14 HISTORIC PRESERVATION OVERLAY DISTRICT CERTIFICATE OF APPROPRIATENESS

The requirements for application, review and issuance of Certificates of Appropriateness for properties within an Historic Preservation Overlay District shall be in conformance with the regulations established in Chapter 9 of this Ordinance.

3.15 SPECIAL USES

A. Establishment and Purpose

The development and execution of this Ordinance is based upon the division of the Village into districts within any one of which the use of land and buildings and the bulk and location of buildings or structures, as related to the land, are essentially uniform. It is recognized, however, that there are Special Uses which, because of their unique character, cannot be properly classified in any particular district or districts without consideration, in each case, of the impact of those uses upon neighboring lands and upon the public need for the particular use of the particular location. The Special Use process is hereby created to address these unique circumstances and to regulate these uses to protect the public health, safety and welfare.

B. Authority

The Village Board of Trustees may, following review and recommendation by the Zoning Board of Appeals, approve by ordinance, deny, or refer back to the Zoning Board of Appeals for reconsideration or clarification, development proposals for uses listed as Special Uses within each zoning district in accordance with the procedures and standards set forth in this Section and other regulations applicable to the district in which the subject property is located.

C. Parties Entitled to Seek Special Use

Parties entitled to apply for a Special Use permit shall be limited to the property owner, agent of the property owner, or the contract purchaser of subject property, acting with the consent of the property owner, or the Village, or another unit of local government.

D. Procedures

1. Application. Applications for a Special Use permit shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearings).
2. Action by Zoning Official. Upon receipt of a properly completed application for a Special Use permit, the Zoning Official shall prepare a staff report and forward this report to the Zoning Board of Appeals for review.
3. Action by Zoning Board of Appeals.
 - a. The Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of Section 3.7. Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
 - b. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.
4. Action by Village Board of Trustees.
 - a. The Village Board of Trustees shall act to approve, approve with modifications, or disapprove of the application within thirty (30) days of receipt of the Zoning Board of Appeals recommendation, or at the next available regularly scheduled meeting thereafter. The failure of the Village Board of Trustees to act at such time, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.
 - b. If the application is approved or approved with modifications, the Village Board of Trustees shall instruct the Zoning Official to issue a Special Use permit, upon adoption of a Special Use ordinance, listing any specific conditions specified by the Board of Trustees or the Zoning Board of Appeals. If the application is disapproved, the Village Board of Trustees shall instruct the Zoning Official to provide the applicant with written notification of the Board's decision.

E. General Standards for Special Uses

An application for a Special Use permit shall not be approved unless the application is determined to be in conformance with each of the following standards:

1. The proposed Special Use is, in fact, a Special Use listed and authorized in the zoning district regulations within which the property is located.
2. The proposed Special Use is consistent with the objectives of the Village's Comprehensive Plan and this Ordinance.
3. The proposed Special Use is designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity.
4. The proposed Special Use will not significantly diminish the safety, use and enjoyment of surrounding property.
5. The proposed Special Use is adequately served by essential public facilities and services such as streets, police and fire service, drainage, refuse disposal, water and sewer, and schools, or the persons or agencies responsible for the

establishment of the proposed Special Use shall provide adequately any such services.

6. The proposed Special Use does not create excessive additional requirements at public expense for public facilities and services and not be detrimental to the economic welfare of the community.
7. The proposed Special Use does not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. The proposed Special Use provides vehicular access to the property designed that does not create an interference with traffic on surrounding public thoroughfares.
9. The proposed Special Use does not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
10. The proposed Special Use complies with all additional regulations in this Ordinance specific to the Special Use requested.

Additionally, the following standards shall be given consideration

11. The existing uses and zoning of nearby property.
12. The extent to which property values are diminished by the particular zoning restrictions.
13. The extent to which limitation or destruction of property values of the petitioner promotes the general health, safety, and welfare.
14. The relative gain to the public as compared to the hardship imposed upon petitioner.
15. The suitability of the particular property for the purpose for which it is now zoned.
16. The length of time that the property has been vacant as zoned considered in the context of land developed in the area in which the property is located.
17. The care with which the community has undertaken to plan its land use development.
18. The evidence or lack of evidence of community need for the use proposed by the property owner.

F. Standards for Specific Special Uses

Due to their potential for detrimental effects, the following uses, where listed as a Special Use within a zoning district, shall, in addition to other Special Use standards that may apply, meet the specific standards listed below:

1. Special Uses that are not Retail Sales Tax Generating Uses
 - a. The standards in this Section 3.15.F(1) shall apply to all Special Uses which do not generate retail sales tax, in addition to other standards that may apply to specific types of uses.
 - b. Conversion of an existing use which generates retail sales tax to a use which does not generate retail sales tax has an adverse effect on the retail sales tax base of the Village. Where a Special Use does not generate retail sales tax is proposed on a site currently or most recently occupied by a use which generates retail sales tax, evidence shall be provided that the benefits to the community provided by the proposed Special Use are greater than the benefits provided by a use which generates retail sales tax on the site.

- c. A first floor Special Use which does not generate retail sales tax proposed within the B-1 or B-4 zoning districts as part of a larger retail development shall only be approved if substantial evidence is provided that the proposed Special Use(s) are instrumental in allowing the larger retail development to go forward.
- d. First floor Special Uses which do not generate retail sales tax proposed within the B-1 or B-4 zoning districts as part of larger retail developments shall constitute no more than 20% of the first floor area of the development unless substantial evidence is provided that the use of more than 20% of the first floor area of the development as a Special Use or uses which is or are not retail sales tax generating uses is instrumental in allowing the larger retail sales tax generating development to go forward or otherwise enhances the retail sales tax base of the Village in some substantial manner.

2. Financial Institutions

- a. Within the B-4 Village Center Business District, a financial institution shall be permitted only as a component of a larger retail development.
- b. Where applicable, a financial institution developed as part of a larger retail development shall be placed at a secondary intersection of the development, unless located above the first story.

3. Automobile Fuel Stations

- a. The number of access points shall be minimized so as to optimize traffic movement and circulation in public roadways.
- b. Automobile Fuel Stations located in existing or proposed larger developments shall provide access interconnection with the larger development.
- c. Where applicable, Automobile Fuel Stations developed as part of a larger development shall be located at a secondary intersection of the development.

4. Drive-Through Facilities

- a. Drive-through facilities shall provide stacking spaces as designated in Chapter 4 Part 2 of the Zoning Ordinance or an approved equivalent.
- b. Drive-through facilities must provide comfortable and safe drive-around aisles.
- c. If adjacent to a residential district, drive-through hours of operation shall be limited and outdoor use of loud speakers shall be prohibited.

5. Car Washes

- a. All car wash installations shall be equipped with a system for recycling a minimum of ninety percent (90%) of the water used by the facility.
- b. Rumble strips with trench drains and grates to intercept water dripping from vehicles or similar design features shall be provided to minimize the amount of water carried out of the facility onto adjacent streets.
- c. Car washes shall have an emergency plan to address hazardous situations that may arise due to insufficient water interception.

- d. Stacking shall be provided in accordance with Chapter 4 Part 2 of the Zoning Ordinance.
- e. If adjacent to a residential district, one hundred percent (100%) screening of vehicle areas shall be provided.
- f. If adjacent to a residential district or use, hours of operation shall be limited and outdoor use of loud speakers shall be prohibited in order to minimize disturbance to neighbors.
- g. Exterior vacuums shall be located a minimum of one hundred (100) feet from a residential use.
- h. An engineer's report shall be provided documenting that reasonably anticipated noise levels will not exceed the maximum allowable noise levels of the district in which the car wash is to be located.
- i. At the owner's expense, car washes shall provide trained personnel and equipment to conduct Village-supervised noise level tests subsequent to commencement of operations.

6. Dry Cleaning/Commercial Laundry Facility

Documentation shall be submitted sufficient for the Village to verify that proposed operations will be in compliance with all applicable environmental regulations.

7. Medical Cannabis Cultivation Center

- a. Medical Cannabis Cultivation Centers located within the Village of Barrington shall be and are required to be established, operated, and maintained in full compliance with the "Compassionate Use of Medical Cannabis Pilot Program Act" (hereinafter, "the Compassionate Use Act") and all other applicable Village ordinances and Illinois statutes.
- b. Medical Cannabis Cultivation Centers shall not be located within a specified distance of pre-existing public or private pre-schools, elementary schools, secondary schools, day care centers, home day care, group day care homes, part day child care facilities, or an area zoned for residential use as and to the extent provided by the Compassionate Use Act and all other applicable Illinois statutes.
- c. Medical Cannabis Cultivation Centers shall not be located in any building containing, in whole or in part, residential uses or any building which is zoned for residential uses.
- d. Drive-Through Facilities accessory to such Medical Cannabis Cultivation Centers shall not be permitted.
- e. Outdoor, window, or on-site media displays of merchandise and/or products related to a Medical Cannabis Cultivation Center shall not be permitted.
- f. All exterior signage associated with a Medical Cannabis Cultivation Center shall be in compliance with the Sign Regulations established in Chapter 4, Part IV of this Ordinance. In addition, no exterior signage, including window treatments over 8 1/2" x 11" in size, shall use the word "marijuana," "cannabis," or any other word, phrase or symbol commonly understood to refer to marijuana or cannabis.
- g. All operations of a Medical Cannabis Cultivation Center must be fully enclosed within a locked building.

8. Medical Cannabis Dispensing Organization

- a. Medical Cannabis Dispensing Organizations located within the Village shall be and are required to be established, operated, and maintained in full compliance with the “Compassionate Use of Medical Cannabis Pilot Program Act” (hereinafter, “the Compassionate Use Act”) and all other applicable Village ordinances and Illinois statutes.
- b. Medical Cannabis Dispensing Organizations shall not be located within a specified distance of pre-existing public or private pre-schools, elementary schools, secondary schools, day care centers, home day care, group day care homes or part day child care facilities as and to the extent provided by the Compassionate Use Act and all other applicable Illinois statutes.
- c. Medical Cannabis Dispensing Organizations shall not be located in any building containing, in whole or in part, residential uses or in any building which is zoned for residential uses.
- d. Drive-Through Facilities accessory to such Medical Cannabis Dispensing Organization shall not be permitted.
- e. Outdoor, window, or on-site media displays of merchandise and/or products related to a Medical Cannabis Dispensing Organization shall not be permitted.
- f. All exterior signage associated with a Medical Cannabis Dispensing Organization shall be in compliance with the Sign Regulations established in Chapter 4, Part IV of this Ordinance. In addition, no exterior signage, including window treatments over 8 1/2” x 11” in size, shall use the word “marijuana,” “cannabis,” or any other word, phrase or symbol commonly understood to refer to marijuana or cannabis.

G. Supplementary Safeguards and Conditions

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may provide, such conditions and restrictions upon the construction, location and operation of a Special Use as may be deemed necessary to promote the general objective of this Ordinance and to minimize any injury to the value of property in the neighborhood. Such conditions shall be expressly set forth in the ordinance granting the Special Use permit and shall be recorded by the property owner as a supplement to the deed for the property in the County Recorder’s Office. Failure to maintain such conditions or restrictions as may have been imposed shall constitute grounds for revocation of such Special Use permit, pursuant to Section 3.20 (Violations and Penalties).

H. No Presumption of Approval

The listing of Special Uses within each zoning district does not constitute an assurance or presumption that such Special Uses will be approved. Rather, each proposed Special Use shall be evaluated on an individual basis, in relation to its compliance with the standards and conditions set forth in this Section 3.15, and with the standards for the district in which it is located, in order to determine whether approval of the Special Use is appropriate at the particular location and in the particular manner proposed.

I. Limitation on Special Uses

- 1. A Special Use permit shall automatically become null and void unless a building permit is issued and construction is actually begun within in one (1) year of issuance and is thereafter diligently pursued to completion. However, the Village

Board of Trustees may extend the one (1) year period to a mutually agreed upon time.

2. A Special Use permit authorizes the conduct of the Special Use only on the property represented in the application and is not transferable to other properties.

J. Effect of Approval

The approval of a Special Use permit application by the Village Board of Trustees shall not authorize the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for such permits or approvals as may be required by the regulations of the Village including, but not limited to, a Zoning Certificate and a building permit.

3.16 VARIATIONS

A. Establishment and Purpose

The Variation process is hereby established to provide a narrowly circumscribed means by which relief may be granted from unforeseen applications of this Ordinance that create practical difficulties or particular hardships. When such difficulties or hardships are more appropriate for remedy, if at all, pursuant to other provisions of this Chapter, the variation procedure is necessarily inappropriate.

B. Authority

In accordance with the procedures and standards set out in this Section 3.16, the Village Board of Trustees, following the recommendation of the Zoning Board of Appeals, shall have the authority to grant variations from the provisions of this Ordinance, but only in accordance with each of the standards enumerated in Subsection 3.16(F).

C. Parties Entitled to Seek Variations

An application for a Variation may be filed by the property owner, agent of the property owner, or the contract purchaser of the subject property, with the consent of the property owner.

D. Application

Applications for a Variation shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing).

E. Procedures

1. Action by Zoning Official. Upon receipt of a properly completed application, the Zoning Official shall review the application and forward a staff report to the Zoning Board of Appeals for review.
2. Action by Zoning Board of Appeals.
 - a. The Zoning Board of Appeals shall hold a public hearing on the application in accordance with the requirements of Section 3.7

(Application and Hearings). Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).

- b. Within thirty (30) days of the close of the public hearing, the Zoning Board of Appeals shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.

3. Action by Village Board of Trustees.

- a. The Village Board of Trustees shall consider the application at its next available scheduled public meeting and shall either approve, approve with modifications, or disapprove of the application. The failure of the Village Board of Trustees to act at such time, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.
- b. If the application is approved or approved with modifications, the Village Board of Trustees shall instruct the Zoning Official to issue a Variation, listing any specific conditions specified by the Board or the Zoning Board of Appeals or Village Board of Trustees. If the application is disapproved, the Village Board of Trustees shall instruct the Zoning Official to provide the applicant with written notification of the Board's decision.

F. Findings of Fact for Variations

A Variation from the terms of this Ordinance shall not be granted unless the reviewing authority makes specific written findings of fact directly based on the standards and conditions imposed by this Section and any conditions imposed by the reviewing authority.

1. Practical Difficulty. No Variation shall be granted unless the applicant shall establish that carrying out the strict letter of the provisions of this Ordinance would create a particular hardship or a practical difficulty.
2. Unique Physical Condition. The subject property is exceptional as compared to other properties subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure, or sign, whether conforming or nonconforming, irregular or substandard shape or size, exceptional topographical features, or other extraordinary physical conditions peculiar to, and inherent in, the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the property rather than the personal situation of the current owner of the property.
3. Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Ordinance.
4. Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other properties subject to the same provision.

5. Not Merely Special Privilege. The alleged hardship or difficulty is neither merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely the inability of the owner to make more money from the use of the subject property.
6. Ordinance and Plan Purposes. The Variation would not result in a use or development of the subject property that would not be in harmony with the general and specific purposes for which this Ordinance, and the provision from which a Variation is sought, was enacted or the general purpose and intent of the Comprehensive Plan.
7. No Other Remedy. There is no means other than the requested Variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the subject property.
8. Minimum Required. The requested Variation is the minimum measure of relief necessary to alleviate the alleged hardship or difficulty presented by the strict application of this Ordinance.

G. Variation Less than Requested

The Zoning Board of Appeals may recommend, and the Village Board of Trustees may grant, Variations less than, or different from, that requested when the record supports the applicant's right to some relief but not to the entire relief requested.

H. Conditions on Variations

The Zoning Board of Appeals may recommend and the Village Board of Trustees may impose such specific conditions and limitations concerning use, construction, character, location, landscaping, screening, and other matters relating to the purposes and objectives of this Ordinance upon any lot benefited by a Variation as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject lot or upon public facilities and services. Such conditions shall be expressly set forth in the ordinance or order granting the Variation. Violation of any such condition or limitation shall be a violation of this Ordinance and shall constitute grounds for revocation of the Variation.

I. Effect of Grant of Variation

The grant of a Variation shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by this Ordinance or other ordinances of the Village.

J. Limitations on Variations

1. An approved Variation shall automatically expire unless a building permit is issued and construction has actually begun within one (1) year of issuance. However, the Village Board of Trustees may extend the one (1) year period to a mutually agreed upon time.

2. A Variation shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development is beyond the scope so authorized.

3.17 PLANNED DEVELOPMENTS

Applications for Planned Developments shall be reviewed in accordance with Chapter 11 of this Ordinance.

3.18 APPEALS

A. Establishment and Purpose

The process of appeals of the decisions of the Zoning Official is hereby established to provide appropriate checks and balances on administrative authority.

B. Authority

The Zoning Board of Appeals shall hear and make final decisions on applications for appeals of administrative decisions made by the Zoning Official.

C. Decisions Appealed

The decisions of the Zoning Official that can be appealed are: completeness of application, occupancy permit, site development permit, zoning certificate, and site plan review. Other duties, decisions and actions of the Zoning Official which are not established by this Ordinance cannot be appealed under the process established in this Section 3.18.

D. Application

Applications for an appeal shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing). Submission materials shall conform to the requirements as listed in the Appendices of this Ordinance. Submission materials shall be forwarded to the Zoning Board of Appeals for review.

E. Decisions on Appeals

The Zoning Board of Appeals shall hear and make a final decision on an appeal at its next available, regularly scheduled meeting.

F. Limitations on Appeals

An application for appeal of a decision by the Zoning Official cannot be filed later than forty-five (45) days after the decision being appealed has been rendered.

3.19 AMENDMENTS

A. Establishment and Purpose

The process of amending this Ordinance, both in map and in text, is hereby established. This process is intended to make adjustments to this Ordinance in response to changed conditions or changes in Village policy. Amendments are not intended to relieve particular hardships or confer special privileges or rights upon any person or party.

B. Authority and Execution

The Board of Trustees, after receiving a recommendation by the Plan Commission, shall take formal action on requests for amendments.

C. Application

Applications for a Variation shall be filed in accordance with the requirements of Section 3.7 (Applications and Hearing).

D. Procedures

1. Action by Zoning Official. Upon receipt of a properly completed application, the Zoning Official shall review the application and forward a staff report to the Plan Commission for review.
2. Action by Plan Commission.
 - a. The Plan Commission shall hold a public hearing on the application in accordance with the requirements of Section 3.7 (Application and Hearings). Notice for the public hearing shall be performed in the manner prescribed by Section 3.7(C).
 - b. Within thirty (30) days of the close of the public hearing, the Plan Commission shall forward its recommendation of either approval, approval with modifications, or disapproval in writing to the Village Board of Trustees.
3. Action by Village Board of Trustees.
 - a. The Village Board of Trustees shall consider the application at its next available scheduled public meeting. For requests for text amendments, the action taken by the Board of Trustees may take the form of denial, approval, or approval with modifications. For requests for map amendments, the action taken by the Board of Trustees may take the form of denial or approval.
 - b. In the case of denial, the Board of Trustees shall instruct the Zoning Official to prepare a letter of denial to formally communicate the formal action to the petitioner. In the case of approval or approval with modifications, the Board of Trustees shall have an ordinance prepared to amend the ordinance accordingly.
 - c. The failure of the Village Board of Trustees to act at the scheduled meeting, or such further time to which the applicant may agree, shall be deemed to be a decision of disapproval.

E. Standards

Board of Trustees approval of any amendment, whether text or map, is a matter of legislative discretion that is not controlled by any one standard. However, in making its decision, the Board of Trustees shall consider the following factors:

1. The extent to which the proposed amendment is consistent with the goals, objectives and policies of the Village's Comprehensive Plan (text and map amendments).
2. The extent to which the proposed amendment fosters harmony and consistency of character in the surrounding area (map amendments).
3. The extent to which the proposed amendment adversely impacts adjacent properties (map amendments).
4. The potential effect of the proposed amendment on the character of future development if applied generally to other uses in the zoning district or within the Village as a whole (text amendments).
5. The extent to which the proposed amendment creates nonconformities (text amendments).
6. The adequacy of public facilities and services to serve the subject property including, but not limited to, streets, utilities, parks, and police and fire service (map amendments).
7. The extent to which the proposed amendment is consistent with the overall structure and organization of this Ordinance (text amendment).
8. The extent to which the proposed text and/or map amendment, if found to be consistent with the goals, objectives and policies of the Village's Comprehensive Plan, will also further the Village's specific goal of maintaining and/or increasing the retail sales tax base of the Village.

F. Parties Entitled to Seek Amendments

Parties entitled to apply for amendments shall be limited to the property owner, agent of the property owner, or the contract purchaser of the subject property, acting with the consent of the property owner, or the Village, or other unit of local government.

3.20 VIOLATIONS AND PENALTIES

A. Violations

Violations of the provisions of this Ordinance, or failure to comply with any of its requirements, shall be subject to a fine for each offense, upon conviction.

B. Enforcement

This Ordinance may be enforced by injunction, mandamus, abatement, civil penalties or any other appropriate action in law or equity.

C. Accumulation of Violations

Each day that a violation continues, following notification, shall be a separate offense for the purposes of the penalties and remedies available to the Village. The accumulation of penalties for violations, but not the obligation for payment for violations already committed, shall cease upon the correction of the violation.

D. Civil Penalties

All fines shall be as specified in Section 1-14-1 of the Village Code, as such Section may be amended from time to time.

3.21 Appendices Incorporated Into and Made an Integral Part of this Zoning Ordinance

Each of the Appendices set forth in the Chapter entitled “Appendices” under Part I and listed as follows:

Appendix A: Public Hearing Notice Requirements

Appendix B: Submission Requirements for Site Plans

Appendix C: Submission Requirements for Zoning Certificates

Appendix D: Submission Requirements for Site Plan Reviews, Special Uses, Amendments, Planned Developments

Appendix E: Submission Requirements for Variations and Appeals

Appendix F: Submission Requirements for Architectural Review Certificates of Approval and Certificates of Appropriateness (Historic and Non-Historic)

Appendix G: Submission Requirements for Certificates of Economic Hardship

Appendix H: Appearance Code

Appendix I: Standards for Aboveground Storage Tanks

is hereby incorporated into and made an integral part of this Zoning Ordinance.

3.22 Appendices Provided for Informational Purposes Only

Each of Appendices set forth in the Chapter entitled “Appendices” under Part II and listed as follows:

Appendix J: Submission Requirements for Site Development Permits

Appendix K: Submission Requirements for Building Permits

Appendix L: Submission Requirements for Certificate of Occupancy

Appendix M: Barrington Village Code, Title 11, “Planning and Development”, Chapter 3, “Development Regulations”

Appendix N: Fee Schedule

is provided for convenience and informational purposes only and is not incorporated into or made a part of this Zoning Ordinance.